

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

FILED**May 19, 2020**

KAREN MITCHELL

CLERK, U.S. DISTRICT
COURT

United States of America

v.

Ibrahim Omeis (01)

Hosni Omeis (02)

Case No.

3:20-MJ-479-BK

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 11, 2020 in the county of Dallas in the
Northern District of Texas, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(a)(6)

Offense Description

False statement during purchase of a firearm

This criminal complaint is based on these facts:

in the attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

JUSTIN WYETT, Special Agent, FBI

Printed name and title

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 4.1.

Date: May 19, 2020*Judge's signature*City and state: Dallas, Texas

RENEE HARRIS TOLIVER, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Justin Wyett**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a special agent with the Federal Bureau of Investigation (“FBI”), and have been since March 2020. In order to become a special agent with the FBI, I attended the FBI’s basic field training course which was five months at the FBI’s facility in Quantico, Virginia. During this five month course, I received training on various general topics, including, but not limited to the following: federal criminal statutes, search and seizure, i.e. probable cause, interviewing and interrogation techniques. I am currently assigned to the FBI’s Dallas Office in the Counterterrorism section where I am tasked with investigating violations of federal criminal statutes, in addition to national security matters. In addition to the general training I received at the FBI’s five month course, I have also received training in how to conduct national security investigations and matters involving domestic terrorism. Prior to my employment with the FBI as a special agent, I have worked with the FBI in various positions as either an employee or a contract worker since approximately December 2015.

2. This affidavit is filed in support of criminal complaints and arrest warrants charging Hosni Omeis and Ibrahim Omeis with false statement during purchase of a firearm, in violation of 18 U.S.C. § 922(a)(6).¹

¹ Section 922(a)(6) provides that it is unlawful,

For any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

3. This affidavit is intended to show only that there is sufficient probable cause for the criminal complaints and arrest warrants, and does not set forth all of my knowledge about this matter. The information contained in this affidavit is based on, among other things, my personal knowledge and observations during the course of this investigation, information conveyed to me by other law enforcement officers and witnesses, my review of records and documents, and other evidence obtained during this investigation.

PROBABLE CAUSE

4. As will be detailed below, I have probable cause to believe that Hosni Omeis and Ibrahim Omeis unlawfully purchased firearms from Beretta Gun Gallery, a federally licensed firearm dealer (“FFL”) located at located at 41 Highland Park Village, Dallas, Texas, and thereafter transported the firearms to their residence in Plano, Texas. That is, I have probable cause to believe that Hosni Omeis and Ibrahim Omeis lied on the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) Form 4473 (also known as a Firearms Transaction Records), which they were required to complete to purchase the firearms.

5. On May 11, 2020, Hosni and Ibrahim Omeis went to the FFL Beretta Gun Gallery. According to an employee of the Beretta Gun Gallery (Employee 1), Hosni and Ibrahim Omeis came into the store and began asking about Beretta handguns. Prior to their arrival at the store, Employee 1 received a call from an individual asking about the price of Beretta APX 9mm handguns. After Hosni and Ibrahim Omeis entered the store, they told Employee 1 that they were the ones who called the store earlier. According to Employee 1, the brothers were generally talkative, and nothing initially alerted him in any way. However, while the brothers were in the store, they periodically conversed in Arabic in Employee 1’s presence. Due to Employee 1’s prior time in Doha, he was able to understand some of the conversation the

brothers had between themselves in his presence in Arabic. Employee 1 believes that he heard the brothers talking about money in Arabic. Both Hosni and Ibrahim Omeis looked at the APX model handguns while in the store.

6. Ultimately, Ibrahim Omeis purchased 9mm Beretta “APX Combat” handgun with a threaded barrel and cutout for an optic. This gun was manufactured outside the state of Texas. While in the store, Hosni and Ibrahim Omeis brought up the fact that a suppressor could be attached to the “APX Combat” because of the threaded barrel. Employee 1 explained to Hosni and Ibrahim Omeis that the Beretta Gun Gallery did not sell suppressors, and suggested that they could go to Modern Outfitters if they wanted to look at suppressors.² As a part of his purchase of the Beretta “APX Combat” 9mm handgun, Ibrahim Omeis was required to complete a Form 4473. Initially, Ibrahim Omeis was not able to complete the purchase of the firearm because the address he listed on the Form 4473 as his current address, 3500 E. Park Boulevard, Plano Texas, was not the same as the address on his Texas driver’s license. Employee 1 explained to Ibrahim Omeis that he could log onto the Texas Department of Public Safety’s website and update the information. Thereafter, Ibrahim Omeis logged on to the website and changed his address. Ultimately Ibrahim Omeis purchased the firearm for \$508.78.³ As a part of this investigation, the FBI obtained a copy of Ibrahim Omeis’s Form 4473 he completed and signed to purchase the 9mm Beretta “APX Combat” handgun. As will be shown below, I have and submit there is probable cause to believe that Ibrahim Omeis lied on his Form 4473 to purchase the handgun. Specifically, Ibrahim Omeis lied when he answered no to question e in Block 11 of the form which asked,

² During the course of this investigation, a check of federal records was conducted and confirms that neither Hosni Omeis nor Ibrahim Omeis have obtained a license to possess a silencer.

³ Ibrahim purchased firearm using two credit cards because his first credit card would only accept up to a \$500 charge. Therefore, Ibrahim Omeis used a second to charge the remaining \$8.78.

Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or determined for medical or recreational purposes in the state where you reside.**

(emphasis in original). As will be described in detail below, I have and there is probable cause to believe that both Omeis and Ibrahim are frequent and repeated users of marijuana and/or THC.

7. While the brothers were in the Beretta Gallery, Hosni Omeis attempted to purchase a flat dark hearth colored Beretta APX 9mm handgun, which was also manufactured outside the state of Texas; however, he was unable to do so because his background check would not process.⁴⁴ That is, the Beretta Gallery received a “delayed” response when running Hosni Omeis on the National Instant Criminal Background Check System (“NICS”). According to Employee 1, Hosni Omeis was not denied, but rather the NICS response was listed as “in processing.” As a result, Hosni Omeis did not leave the Beretta Gallery with the firearm on May 11, 2020. However, according to Employee 1, after the Omeis brothers left the store, Hosni Omeis’s background cleared so he could now purchase and receive the firearm. As of the interview of Employee 1, on May 12, 2020, Hosni Omeis had not contacted the Beretta Gallery to check on the status of his purchase. Nonetheless, Employee 1 later contacted Hosni Omeis at the telephone number he had provided to let Hosni know that the firearm was available for pickup at the store.

8. As a part of this investigation, the FBI has obtained a copy of Hosni Omeis’s Form 4473 he completed and signed to purchase the APX 9mm Beretta handgun. As will be detailed below, I have probable cause to believe that Hosni Omeis lied on his Form 4473. That

⁴⁴ Like his brother, Hosni Omeis was required to complete a Form 4473 in order to purchase the firearm from the Beretta Gallery.

is, Hosni Omeis falsely answered no to questions d and e in block 11 of the form. Block d of the Form 4473 asked, “Are you a fugitive from justice?” During the course of this investigation, the FBI obtained information that there is an outstanding warrant for Hosni Omeis’s arrest out of the State of California for failure to appear effective December 12, 2018. Block e of the Form 4473 asked,

Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or determined for medical or recreational purposes in the state where you reside.**

(**emphasis in original**). I have and submit there is probable cause to believe Hosni Omeis’s answer was false. That is, on March 13, 2020, Hosni Omeis was arrested by the Plano Police Department for failing to display his Texas driver’s license subsequent to a traffic stop for failure to signal during a lane change.⁵ During a search incident to Hosni Omeis’s arrest, he notified the Plano Police Officer that he had a joint in his pocket. Thereafter, the Plano Police Officer located a clear plastic case with one marijuana joint inside it. The Plano Police Officer also located a vape pen containing an amber liquid in Hosni Omeis’s pocket that according to Hosni contained THC oil. Thereafter, the suspected THC oil was sent to the lab for testing. On March 19, 2020, the Plano Police Department received a lab report from Armstrong Forensic Laboratory that showed the amber liquid substance in the vape pen was delta-9 Tetrahydrocannabinol and had a 8.13% concentration (+/- .67%). The weight of the THC was .46 grams (+/- .02 grams). On May 13, 2020, a warrant was issued in the Municipal Court in the City of Plano, Texas, for Hosni Omeis’s arrest for Possession of a Controlled Substance in Penalty Group 2 (THC) Less than 1 gram, in violation of Texas HSC 481.116(b).

⁵ It should be noted that during the course of the traffic stop by the Plano Police Department, Hosni Omeis was checked for warrants; however, no warrants for his arrest were returned by the system.

10. On May 13, 2020, Hosni Omeis notified Berretta Gun Gallery that he would pick up the firearm on May 14, 2020, between noon and 2:00 p.m. On May 14, 2020, members of the FBI conducted surveillance on Hosni Omeis. Hosni Omeis was observed driving to the Berretta Gun Gallery. That is, Hosni Omeis and an unknown male entered the Beretta Gun Gallery at approximately 2:08 p.m. At approximately 2:20 p.m., Hosni Omeis and the unknown male left the Beretta Gun Gallery and entered Hosni Omeis's vehicle. Hosni Omeis was observed carrying a gray bag as he exited the store and entered his car. An employee at Beretta Gun Gallery confirmed that Hosni Omeis purchased the firearm and left the store with it in his possession. At approximately 3:15 p.m., Hosni Omeis arrived at his residence in Plano. He exited his car, removed the gray bag from the driver's side back seat, and then entered his residence.

11. It should be noted that during the course of the investigation, the FBI has viewed Hosni Omeis's public Facebook page. A review of the page shows that approximately two hours before attempting to purchase the firearm at the Beretta Gallery on May 11, 2020, multiple videos of weapons and anti-law enforcement rhetoric were posted to the page. On May 11, 2020 at 12:59 p.m. Hosni Omeis posted a video from C&Rsenal of a single shot shotgun being potentially converted to a magazine shotgun, and on May 1, 2020 at 1:22 p.m., Hosni Omeis posted the video: "overzealous cop gets shutdown by his sergeant who protects our rights" Based upon my training, conversations with other experienced agents, and general knowledge of Facebook, I know that individuals who utilize Facebook post information on their Facebook page via an electronic device, i.e. a cellular telephone, computer, or tablet.

12. On May 15, 2020, members of the FBI and I executed a search warrant at Omeis and Ibrahim's residence in Plano, Texas. (EDTX Case No. 4:20-MJ-341-KPJ). Immediately

upon entering the residence, agents recognized the distinct odor of marijuana. In Hosni Omeis's bedroom, agents recovered the Berretta firearm that he purchased on May 14, 2020 from the Berretta Gun Gallery along with two fully loaded magazines. The Berretta was loaded. Agents also found a rifle, four fully loaded magazines, and an empty magazine in the closet. In addition to the firearms and ammunition, Hosni Omeis's bedroom contained marijuana, drug paraphernalia such as grinders and bongs, and two safes, containing \$3000 in cash. The bedroom also contained a bag of white powder and unmarked jars of brown powder that law enforcement has yet to test for the presence of illegal narcotics.

13. Ibrahim Omeis's bedroom contained similar items. Agents recovered the Berretta firearm that he purchased on May 11, 2020 from the Berretta Gun Gallery along with two fully loaded magazines and a box of ammunition. Notably, the pistol was loaded and manufactured so that a silencer could be attached. In his bedroom, Ibrahim also had marijuana and drug paraphernalia, including a grinder and rolling paper.

14. In addition to the subjects' phones (one for each), agents recovered five additional cell phones.

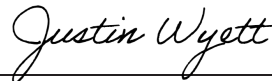
15. During execution of the search warrant, Hosni and Ibrahim Omeis were both interviewed. Hosni Omeis was arrested on the Plano arrest warrant, and after waiving his Miranda rights, admitted that he had bought the Berretta pistol on May 14, 2020, that he possessed the rifle in his closet, and that he smoked marijuana, including that morning (the search warrant was executed at approximately 6am). On Hosni's phone—which he gave agents consent to search—they found messages discussing narcotics transactions and pictures of marijuana.

16. As the search warrant was being executed, agents briefly put Ibrahim Omeis in handcuffs for officer safety. When safe, agents removed the cuffs from Ibrahim and told him that he was free to go or to talk to agents. Ibrahim decided that he wanted to talk to agents. He admitted that the Berretta pistol in his bedroom was his and that he sometimes smoked marijuana and had most recently smoked the day before the interview (May 14, 2020).

17. Both brothers admitted that they were unlawful users of marijuana, contrary to what they had represented when purchasing firearms earlier that week.

18. Based on the aforementioned, I have and submit there is probable cause to believe that on May 11, 2020, Hosni Omeis and Ibrahim Omeis did knowingly make a false or fictitious statement in a written statement in connection with the acquisition or attempted acquisition of a firearm from a licensed firearm dealer, in violation of 18 U.S.C. § 922(a)(6).

Respectfully submitted,

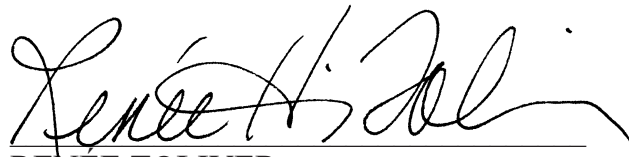


JUSTIN WYETT
Special Agent, FBI

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R.

Crim. P. 4.1.

Dated this 19th day of May, 2020.



RENEE TOLIVER
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS